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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

SEAN ROOKS et al., Plaintiffs and Respondents, v. ROBERT PARKER et al., Defendants and Appellants.	B232262 (Los Angeles County Super. Ct. No. BC374179)

APPEAL from a judgment of the Superior Court of Los Angeles County. John Shepard Wiley, Jr., Judge. Affirmed.

Charlie Parker, in pro. per., and Robert Parker, in pro. per., for Defendants and Appellants.

Law Office of David Alan Cooper, David Alan Cooper for Plaintiffs and Respondents.

Appellants Robert and Charles Parker appeal from a judgment entered on January 26, 2011, in favor of respondents Sean Rooks, Robert Berry, Steve Smolinski, Robert LaSota, Martha Medrano, Salvador Medrano, and Carlos Medrano. We affirm the judgment.

BACKGROUND

The Parkers' appeal suffers from a woefully inadequate record and nearly incomprehensible briefs. Because no coherent statement of facts or references to relevant trial court proceedings have been presented, we cannot confidently discern what occurred. Nevertheless, from our review of the limited record and briefs, we summarize what appear to be the most pertinent facts as follows:

In May 2002, Old Town Brewpub, Ltd. (Old Town), a California limited partnership, was formed for the purpose of buying a commercial property in Pasadena and establishing a bar at the site. Parker Restaurant Group, Inc. (Parker Group) was the general partner in the partnership. Parker Group's sole shareholders were Robert Parker, and his adult children Charles Parker and Tiffany Parker. The Parkers solicited investors and eventually brought a number of limited partners into Old Town. All respondents to this appeal were investors and limited partners in Old Town.

The bar was a horrible failure, losing money from start to finish. Attempting to keep the bar afloat, Robert Parker may have loaned Old Town a significant amount of money. His possible attempts to save the business were unsuccessful. Eventually, however, Old Town was able to sell the business, while continuing to own the real property.

In November 2006, apparently without giving any notice to the limited partners, the Parker Group caused Old Town to sell the property at a significant profit. The same day as the sale, Old Town transferred at least $1.25 million to the Parker Group, and this money was immediately paid out to the Parkers. While some of this money may have been legitimately used to repay loans made by Robert Parker, a significant amount was characterized as payment for fees and commissions purportedly earned by the Parker Group.

Respondents apparently sued the Parker Group for breach of fiduciary duty, conversion, and breach of contract and alleged that Robert and Charles Parker were jointly and severally liable as alter egos of the Parker Group. The matter was tried to the court. The first phase of the trial resulted in an interlocutory judgment finding the Parker Group liable for breach of fiduciary duty, conversion, and breach of contract. When the second phase concluded, the trial court found Robert and Charles Parker to be alter egos of the Parker Group.

"Rulings on submitted matter" were issued by the court after the completion of each phase. They do not appear in the record.[1] Respondents, in their brief, state that the rulings contained the following findings: (a) defendants diverted funds for their personal use from the sale of Old Town's real property; (b) defendants failed to make proper distributions to limited partners; (c) defendants bought real estate with the diverted funds and transferred title to others to avoid creditors; (d) defendants provided misleading and inaccurate financial statements to the limited partners; (e) defendants failed to maintain appropriate records or timely provide accountings; (f) defendants paid excess loans and expense reimbursements to family members; (g) defendants wrongfully assigned certain partnership shares to Robert Parker; (h) defendants wrongfully paid employee compensation to another Parker family member who was never an employee; and (i) defendants drained the limited partnership of money. Judgment was entered against the

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[1] Appellants' requests for judicial notice filed May 8, 2012, and June 21, 2012, are denied for failing to comply with California Rules of Court, rule 8.252(a). Additionally, in their second request for judicial notice, appellants attempt to submit the trial court's latter "ruling on submitted matter." Such a request is more appropriately made by a motion to augment the record. (See Cal. Rules of Court, rule 8.155(a).) Even if treated as a motion to augment the record, however, the motion must be denied. A motion to augment should not be used as a remedy for negligent preparation of the record. (See *Russi v. Bank of America* (1945) 69 Cal.App.2d 100, 102.) Furthermore, appellants should have sought augmentation within 40 days of the filing of the record. (Ct. App., Second Dist., Local Rules, rule 2(b), Augmentation of Record.) Having shown no good cause for their delay, augmentation would not be proper. (See *Regents of University of California v. Sheily* (2004) 122 Cal.App.4th 824, 827, fn. 1.)

Parker Group and Robert and Charles Parker in the total amount of $759,647, with the money to be allocated among limited partners.

DISCUSSION

Now, Robert and Charles Parker attempt to appeal from the judgment. Their main contention appears to be that some, or perhaps all, of the trial court's rulings were not supported by substantial evidence.

We are unable to reverse. Appellants have failed to provide an adequate record on appeal. The clerk's transcript contains a copy of the judgment, but little else that is relevant. The most obvious omission in the record is the trial court's two rulings on submitted matters; doubtless, many other important documents are also missing. "It is well settled, of course, that a party challenging a judgment has the burden of showing reversible error by an adequate record." (*Ballard v. Uribe* (1986) 41 Cal.3d 564, 574.) Appellants have completely failed in this task.

In addition, appellants' briefs contain essentially no citation to the record or legal argument. "We are not bound to develop appellants' arguments for them. [Citation.] The absence of cogent legal argument or citation to authority allows this court to treat the contentions as waived." (*In re Marriage of Falcone & Fyke* (2008) 164 Cal.App.4th 814, 830.) Appellants' status as appearing in propria persona does not allow us to overlook these deficiencies. (*First American Title Co. v. Mirzaian* (2003) 108 Cal.App.4th 956, 958, fn. 1; *Bianco v. California Highway Patrol* (1994) 24 Cal.App.4th 1113, 1125 ["'a litigant appearing in propria persona . . . is entitled to the same, but no greater, consideration than other litigants and attorneys'"].)

Appellants face a high hurdle arguing that the judgment is not supported by substantial evidence. (See *Ortega v. Pajaro Valley Unified School Dist.* (1998) 64 Cal.App.4th 1023, 1043; *Rupf v. Yan* (2000) 85 Cal.App.4th 411, 429, fn. 5.) Without legal argument or an adequate record to support their appeal, they cannot clear that hurdle.

DISPOSITION

The judgment is affirmed.

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BOREN, P.J.

We concur:

DOI TODD, J.

CHAVEZ, J.